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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,747

10/28/2003

Oyvind Stromme

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7557

28164 7590 12/08/2009
ACCENTURE CHICAGO 28164
BRINKS HOFER GILSON & LIONE
P O BOX 10395
CHICAGO, IL 60610

EXAMINER

SMITH, CHENEA

ART UNIT

PAPER NUMBER

2421

MAIL DATE

DELIVERY MODE

12/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/696,747</p>	<p>Applicant(s) STROMME, OYVIND</p>	
	<p>Examiner CHENEA P. SMITH</p>	<p>Art Unit 2421</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 November 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4 and 6-18.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See notes below.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

In response to Applicant's arguments on page 7, lines 15-17, that "First, neither Lemmons nor Markel teach providing, with a calculator, a first set of oriented views of a preregistered picture in various orientations" and subsequent similar arguments, the Examiner respectfully disagrees. Applicant should note for clarification, that Lemmons teaches that a server accesses data files containing labels and information about those labels, including information placement and contour data, see Lemmons, specifically [0057], lines 8-14. By using the placement and contour data, the label may be applied to a video signal, see Lemmons, specifically [0057], lines 14-16. Lemmons also discloses that a server (headend) reads tag information that marks the location of the object of which the label is to be applied. The label is applied to the video signal at the headend, the display size being determined by the coordinate and contour data of the tag, see Lemmons, specifically [0085], lines 17-20. Therefore, as the pre-registered picture of Lemmon's system is the label, there must be included a set of oriented views in various orientations of the picture in order for the coordinate and contour data of the tag to be compared and matched to placement and contour data of the label, see Lemmons, specifically [0042], lines 13-19, [0049], lines 1-7 and [0059], lines 4-14).

In response to Applicant's arguments on page 7, lines 21-23 that "Lemmons cannot teach claim 1 because the system in Lemmons cannot know the placement or contour data needed to display the stored labels until the video signal is actually displayed", the Examiner respectfully disagrees. In addition to the portions of Lemmons' disclosure as cited above, Applicant should also note for clarification, Lemmons, Fig. 14 and associated text, specifically [0075].

In response to Applicant's arguments on page 8, lines 11-14 that "neither Lemmons nor Markel teach associating each oriented view of a first set of oriented views with an orientation index that identifies the physical orientation of the oriented view of the pre-registered picture and selecting the orientation index of the oriented view having the same orientation as an area in a current image", the Examiner respectfully disagrees. Applicant should note, for clarification, that Lemmons discloses associating each oriented view of a first set of oriented views with an orientation index that identifies the physical orientation of the oriented view of the pre-registered picture, see Lemmons, specifically [0057], lines 8-17 and [0058], lines 1-8) and selecting the orientation index of the oriented view having the same orientation as an area in a current image (see Lemmons, specifically [0042], lines 13-19, [0049], lines 1-7 and [0059], lines 4-14).